

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:19-cv-00495-BAS-BLM**

Aguirre v. United States Nuclear Regulatory Commission et al
Assigned to: Judge Cynthia Bashant
Referred to: Magistrate Judge Barbara Lynn Major
Related Cases: 3:19-cv-00587-BAS-BLM

Date Filed: 03/14/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

3:19-cv-01102-BAS-BLM
Cause: 05:0552fi Freedom of Information Act

Plaintiff

Michael J. Aguirre

represented by **Maria C Severson**
Aguirre and Severson, LLP
501 West Broadway
Suite 1050
San Diego, CA 92101-3597
(619)876-5364
Fax: (619)876-5368
Email: mseverson@amslawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Nuclear Regulatory
Commission**

represented by **U S Attorney CV**
U S Attorneys Office Southern District of California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101
(619)557-5662
Fax: (619)557-7122
Email: Efile.dkt.civ@usdoj.gov
TERMINATED: 05/31/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine L. Parker
Office of the U.S. Attorney
880 Front Street
Room 6293
San Diego, CA 92101-8893
(619) 546-7634
Fax: (619) 546-7751
Email: katherine.parker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DOES 1 to 10
inclusive

Date Filed	#	Docket Text
03/14/2019	<u>1</u>	COMPLAINT against DOES 1 to 10, United States Nuclear Regulatory Commission (Filing fee \$ 400 receipt number 0974-12302023), filed by Michael J. Aguirre. (Attachments: # <u>1</u> Civil Cover Sheet)

		The new case number is 3:19-cv-00495-BAS-BLM. Judge Cynthia Bashant and Magistrate Judge Barbara Lynn Major are assigned to the case. (Severson, Maria)(cdw) (jao). (Entered: 03/15/2019)
03/15/2019	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (cdw) (jao). (Entered: 03/15/2019)
04/02/2019	<u>3</u>	SUMMONS Returned Executed by Michael J. Aguirre. United States Nuclear Regulatory Commission served. (Severson, Maria). (jah). (Entered: 04/02/2019)
04/15/2019	<u>4</u>	NOTICE OF RELATED CASE(S) by Michael J. Aguirre of case(s) 19cv0587-H-KSC. (Attachments: # <u>1</u> Proof of Service)(Severson, Maria). Modified on 4/16/2019 – Proposed Low Number Transfer Order prepared and forwarded (jah). (Entered: 04/15/2019)
05/17/2019	<u>5</u>	MOTION for Status Conference by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Maria Severson, # <u>2</u> Proof of Service by mail)(Severson, Maria). Modified on 5/20/2019 – Edited text (jah). (Entered: 05/17/2019)
05/21/2019	<u>6</u>	ORDER Requesting Response re <u>5</u> MOTION for Status Conference filed by Michael J. Aguirre. Court is not inclined to hold a status conference for this issues but it is unclear to Court why the US Attorney does not deem the United States Nuclear Regulatory Commission (NRC) to be a United States Government Agency. Court orders the US Attorney to respond to Plaintiff's Motion by 5/31/2019. Signed by Judge Cynthia Bashant on 5/21/2019. (jah). Modified on 5/21/2019 – Corrected text. Regenerated NEF (jah). (Entered: 05/21/2019)
05/31/2019	<u>7</u>	RESPONSE in Opposition re <u>5</u> MOTION for Status Conference filed by United States Nuclear Regulatory Commission. (Parker, Katherine). (jah). (Entered: 05/31/2019)
05/31/2019	<u>8</u>	NOTICE of Appearance by Katherine Lind Parker on behalf of United States Nuclear Regulatory Commission (Parker, Katherine). Attorney Katherine Lind Parker added to party United States Nuclear Regulatory Commission (pty:dft). (jah). (Entered: 05/31/2019)
06/03/2019	<u>9</u>	ORDER denying as moot Plaintiff's <u>5</u> Motion for Status Conference. Signed by Judge Cynthia Bashant on 6/3/2019. (jah) (Entered: 06/03/2019)
06/13/2019	<u>10</u>	MOTION for Summary Judgment by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration of Tina Ennis with Exhibits, # <u>3</u> Declaration of Katherine Parker with Exhibit)(Parker, Katherine). Modified on 6/17/2019 – Corrected motion event (jah). Modified on 10/3/2019 – Changed to Motion for Summary Judgment per 10/3/2019 Order (jah). (Entered: 06/13/2019)
07/22/2019	<u>11</u>	RESPONSE in Opposition re <u>10</u> MOTION to Dismiss for Failure to Exhaust Administratively Remedies filed by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Michael J. Aguirre, # <u>2</u> Request for Judicial Notice, # <u>3</u> Proof of Service)(Severson, Maria). (jah). (Entered: 07/22/2019)
07/24/2019	<u>12</u>	Unopposed Ex Parte MOTION for Extension of Time to File Reply as to <u>10</u> MOTION to Dismiss for Failure to Exhaust Administratively Remedies by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Declaration of Katherine Parker)(Parker, Katherine). (jah). (Entered: 07/24/2019)
07/26/2019	<u>13</u>	ORDER granting Defendant's <u>12</u> Ex Parte Motion for Extension of Time to File Reply re <u>10</u> MOTION to Dismiss for Failure to Exhaust Administratively Remedies. Defendant shall file reply brief by 8/5/2019. Signed by Judge Cynthia Bashant on 7/26/2019. (jah) (Entered: 07/26/2019)
08/05/2019	<u>14</u>	REPLY to Response to Motion re <u>10</u> MOTION to Dismiss for Failure to Exhaust Administratively Remedies filed by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Declaration of Tina Ennis)(Parker, Katherine). (jah). (Entered: 08/05/2019)

10/03/2019	<u>15</u>	ORDER Converting Motion. Court converts <u>10</u> MOTION to Dismiss filed by United States Nuclear Regulatory Commission to a motion for summary judgment. If Defendant has any further material to submit in support of its motion, it may do so by 10/11/2019. Plaintiff may submit any material pertinent to his response by 10/25/2019. Court will take <u>10</u> MOTION for Summary Judgment under submission. Signed by Judge Cynthia Bashant on 10/3/2019. (jah) (Entered: 10/03/2019)
10/25/2019	<u>16</u>	RESPONSE in Opposition re <u>10</u> MOTION for Summary Judgment filed by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Michael J. Aguirre, # <u>2</u> Proof of Service)(Severson, Maria). Modified on 10/28/2019 (- Removed duplicate attachment description (jah). (Entered: 10/25/2019)
10/30/2019	<u>17</u>	Ex Parte MOTION for Leave to File Supplemental Reply by United States Nuclear Regulatory Commission. (Parker, Katherine). (jah). (Entered: 10/30/2019)
10/31/2019	<u>18</u>	RESPONSE in Opposition re <u>17</u> Ex Parte MOTION for Leave to File Supplemental Reply filed by Michael J. Aguirre. (Attachments: # <u>1</u> Proof of Service)(Severson, Maria) (dlg). (Entered: 10/31/2019)